IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 404 (S/S)2007

Harkishan Sing S/o Sri Param Singh,
Presently posted as Stenographer,
Office of Deputy Commissioner (Assessment),
Commercial Tax, Kashipur,
Udham Singh Nagar. ---- Petitioner.

Vs.

1. State of Uttarakhand, through Secretary,
   Commercial Tax, Dehradun.
2. Deputy Secretary, Department of Personal and
   Training, Govt. of India, New Delhi,
3. Commissioner, Commercial Tax,
   Dehradun. ----Respondents.

Sri D.S. Patni, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/respondent nos. 1 & 3 and
Smt. Anjali Bhargava, learned Standing Counsel for Union of India/respondent no. 2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri D.S. Patni, learned counsel for the petitioner, Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand /respondent nos. 1 & 3 and Smt. Anjali Bhargava, learned Standing Counsel for Union of India/respondent no. 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

a. Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent o.3 to consider the allocation of petitioner to State of Uttarakhand in view of his domicile and option for State of Uttarakhand,

b. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

c. Award cost of the petition to the petitioner.

Stand of the petitioner is that he was initially appointed on the post of Stenographer in the Commercial Tax Department on 06.10.1990. Prior to creation of State of Uttarakhand, the petitioner opted for State of Uttar Pradesh. The petitioner, in pursuance to the Circular issued in the year 2001 inviting applications for changing of options, had opted for State of Uttarakhand on 15.10.2001. The said option was forwarded by the Deputy Commissioner Commercial Tax to the Commissioner Tax, Uttarakhand, Dehradun. On 18.05.2004 a final allocation list was published by Union of India in respect of the Stenographer, however name of the petitioner does not find figure in that list allocating the incumbents to State of Uttarakhand. Consequently, the petitioner moved representation on 21st March 2007, which is annexure no. 9 to the writ petition.

During the course of arguments, learned counsel for the petitioner confined his prayer that the respondent no. 2 may be directed to take decision on the representation of the petitioner dated 21st March 2007, within the period specified by this Court.

The prayer is innocuous.

Accordingly, the respondent no.2 is directed to take decision on the representation of the petitioner dated 21st March 2007 contained as annexure no. 9 to the writ petition,

within a period of four weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 19, 2007:
NCM: